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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,854	12/30/2003	Janko Budzisch	6570P055	9420

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EXAMINER

KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,854

Applicant(s)

BUDZISCH ET AL.

Examiner

Vitali Korobov

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-18, 20-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 20-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/10/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This Office Action is in response to the amendment filed 09/10/2007. Claims 1, 11 and 21 were amended. No claims were added or canceled. Accordingly, claims 1-8, 10-18, 20-28 and 30 are currently pending and have been examined in this Office Action.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Information Disclosure Statement as received on 09/10/2007 was considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 11-16 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by the U. S. Patent No. 6,070,190, issued to Reps et al., hereinafter Reps.

Regarding claim 1, Reps teaches a method, comprising: repeatedly receiving request messages at a testing application running on a server or servlet engine (8:47-56 - requests for services are received from a client at the server, running a testing application Lotus Notes), said repeatedly receiving occurring during execution of a

testing scenario, each of said request messages identifying the same set of software components (8:38-47 - the software components are various services provided to a requesting client under Lotus Notes platform) that are: a) servable and/or invocable by said server or servlet engine (8:47-56 - requests for services are received from a client at the server); b) associated with the same said testing scenario (8:38-47 - various components of the same Lotus Notes platform are being tested); and c) used by a same business logic process within an IS infrastructure (8:38-47 - components of the Lotus Notes platform are used by the same business logic process within an IS infrastructure); and, said testing application, in response to each of said request messages in executing said testing scenario, performing the following: testing each of said one or more software components for availability (8:38-47 - session availability testing) and preparing and sending onto a network a response message to report availability or unavailability for each of said one or more software components to an entity that sent said response message's corresponding request message (Fig. 2 - item 210 - service request, and item 211 - service response. See also 9:59-67 - functionality of AMA probe 201, and 5:45-54 for a description of the parameters that may be reported back to a requesting client), wherein at least one of said software components requires a login procedure for its availability test and each of said request messages include a userid for said login procedure (11:60-67 - access control and authentication information).

Regarding claim 2, Reps teaches the method of claim 1 wherein at least one of said software components further comprises a web page and said testing for availability of said web page further comprises attempting to fetch said web page (8:56-64).

Regarding claim 3, Reps teaches the method of claim 2 wherein said web page's URL is identified in each of said request messages (17:63-67).

Regarding claims 4, 5 and 6, Reps teaches the method of claim 1 further comprising creating a request object from the content of said request message with a request message class, further comprising creating a scenario object from said request object with a scenario object class, still further comprising creating a response message object with a response message class (17:54-63 - implementation of client-server interaction in Java. Java is inherently an object oriented language, and implements requests and responses as objects. Further, Java inherently implements groups of objects as classes).

Claim 11-16 are rejected in view of the above rejection of claims 1-6. Claims 11-13 are essentially the same as claims 1-6, except that they set forth the invention as a machine readable medium rather than a method, as do claims 1-6.

Claim 21-26 are rejected in view of the above rejection of claims 1-6. Claims 21-23 are essentially the same as claims 1-6, except that they set forth the invention as a computing system rather than a method, as do claims 1-6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 10, 17, 18, 20, 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reps in view of the U. S. Patent No. 6,842,891 B2, issued to Zhang et al., hereinafter Zhang.

Regarding claim 7, Reps teaches the method of claim 1.

Reps does not explicitly teach that a response message is an XML document.

However, Zhang, in analogous art, directed to network software testing (1:24-25), teaches a response message being formatted as an XML document (Zhang, 8:17-21).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the teachings of Zhang, regarding response message formatting, into the teachings of Reps, in order to enhance readability, since XML is closer to human than to a computer language, is extendable and is completely compatible with Java, as well as to implement many other advantages XML has to offer. Modified in this manner Reps is hereinafter referred to as modified Reps.

Regarding claim 8, modified Reps teaches the method of claim 7 wherein each of said request messages is an XML document (Zhang, 8:50-54).

Regarding claim 10, modified Reps teaches the method of claim 1.

Reps teaches implementation of his invention in Java and implementation of applets, but does not explicitly teach that the testing of each of said one or more software components is performed by a servlet.

However, Zhang, in analogous art, directed to network software testing (1:24-25), teaches that the testing of each of one or more software components is performed by a

servlet (Zhang, 5:34-37).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the teachings of Zhang, regarding said implementation of testing via servlets in order to enhance cross-platform compatibility of the invention of Reps.

Claim 17, 18 and 20 are rejected in view of the above rejection of claims 7, 8 and 10. Claims 17, 18 and 20 are essentially the same as claims 7, 8 and 10, except that they set forth the invention as a machine readable medium rather than a method, as do claims 7, 8 and 10.

Claim 27, 28 and 30 are rejected in view of the above rejection of claims 7, 8 and 10. Claims 27, 28 and 30 are essentially the same as claims 7, 8 and 10, except that they set forth the invention as a computing system rather than a method, as do claims 7, 8 and 10.

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicants. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicants in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

6 Applicant's arguments with respect to claims 1-8, 10-18, 20-28 and 30 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the Applicant's amendment.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


Art Unit: 2155

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/14/2007
VAK

Vitali Korobov
Examiner
Art Unit 2155


PHILIP TRAN
PRIMARY EXAMINER